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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,373	04/11/2001	Tonis Kasvand	8673-117 (8061-598)	4525
22150	7590	05/11/2005	SJP:kl	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			EXAMINER PATEL, ASHOKKUMAR B	
			ART UNIT	PAPER NUMBER
			2154	
DATE MAILED: 05/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/832,373

Applicant(s)

KASVAND ET AL.

Examiner

Ashok B. Patel

Art Unit

2154

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 21 April 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
Please see Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

*N. S. Haack*

## Continuation Sheet (PTOL-303)

## Applicant's argument:

Chivaluri's alarms are defined locally to each management agent. Thus they are a reflection only of the conditions that are present in the devices managed by a single management agent. In contrast, the claims of the present application's recite, inter alia, "means for receiving said status logs and generating higher level logs in response to predetermined rule sets being satisfied", wherein the status logs are generated by network devices and applications."

## Examiner's response:

Chivaluri teaches "A management system for event management in a computer network includes management interfaces residing on an administrative computers, management engines residing on server computers, and management agents residing on managed computers within the network. The management agent uses alarms corresponding to predefined events to notify the management interface via the management engine if the predefined events occur, thereby allowing the system administrator to administer the managed computer network."(Abstract)

## Applicant's argument:

Further, Chivaluri does not teach "generating higher level logs in response to predetermined rule sets being satisfied". Rather, in column 2, Line 65 to column 3 Line 3, Chivaluri teaches that "if the management agent continuously detects an alarm condition on a managed computer, the messages are filtered

so that the alarm messages sent to the administrator are spaced out over a prescribed period. In other words, the administrator is not flooded with a long sequence of identical alarm messages.". This indicates that, rather than predetermined rule sets being satisfied, Chivaluri merely spaces out redundant alarms over a prescribed period.

## Examiner's response:

Chivaluri teaches "The management agent is a program running on the managed computer and actually executes the management requests and operations on behalf of the systems administrator. Each management agent includes alarms and information that defines alarm criteria and enables corrective action to be taken. Examples of such alarms include log file error alarms, process alarms indicating the occurrence of defined processes, disk alarms that relate to the amount of available space on a disk, hardware failure alarms, performance alarms relating to statistics of computer operating systems and user-defined alarms. Certain of these alarms generally request or provide an opportunity for corrective action.", col. 2, lines 25-37.

## Applicant's argument:

Because of the claimed system's ability to receive status logs generated by (multiple) network devices and applications, the commands in the execution sets that are triggered by the program means may also be applicable to the broader network and all of its devices, rather than just to the single network device that Chivaluri indicates is able to generate its own alarms:"

## Examiner's response:

Chivaluri teaches "A management system for event management in a computer network includes management interfaces residing on an administrative computers, management engines residing on server computers, and management agents residing on managed computers within the network. "(Abstract)